

REMARKS

Upon entry of the amendments, claims 2-25 will be pending in the above-identified application. Claim 3 has been amended to clarify the subject matter regarded as the invention. Applicants submit that the proposed amendment would require no new search or consideration as the amendment merely clarifies the claim to include an aspect of the invention already considered by the Examiner, and because the amendment places the claims in condition for allowance - as evidenced by the allowed claims and the Examiner's "Response to Arguments" on page 4 of the Office Action mailed 6/1/2007. As such, entry of the amendment is respectfully requested. Applicants submit that the amendments are supported throughout the specification as originally filed, and therefore, no new matter is added by these amendments.

Furthermore, Applicants gratefully acknowledge the Examiner's indication that claims 2 and 25 are allowable and that claims 21-24 would be allowable if in independent form.

Rejections Under 35 U.S.C. §103

Claims 3, 4-5/3 and 8-19/5/4/3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Truax (CLASP-LESS™ Appliance System).

As previously made of record, Applicants respectfully disagree that the claimed invention would have been *prima facie* obvious to one of ordinary skill in the art in view of the Truax reference, since the cited reference would fail to teach or suggest each and every element of the claimed invention. Truax is directed to an appliance system including plastic trays of various thicknesses, but Truax does not teach different geometries with respect to the cavities of successive appliances. In particular, Truax at least fails to teach "generating a patient removable appliance having cavities for each of the three or more molds or casts, said appliance having cavities and wherein the cavities of successive ones of the plurality appliances have different geometries shaped to receive and resiliently reposition teeth from one arrangement to a successive arrangement, wherein said stage of treatment comprises successively applying the appliances to the patient's teeth", as recited in claim 3.

Nevertheless, although Applicants respectfully disagree with the rejections and do not acquiesce to any reasoning provided by the Examiner, claim 3 has been amended in order to advance prosecution of the present case. As amended, claim 3 is directed to a method for fitting a set of upper and lower teeth in a masticatory system of a patient, including modeling a set of upper and lower teeth in a masticatory system of a patient using three or more different predetermined molds or casts, each of the molds or casts representing a different arrangement of the patient's teeth, prior to a stage of treatment. Applicants believe that this amendment includes addition of an element that the Examiner has agreed is not taught or suggested in the prior art and will therefore be allowable. Claims 4-5/3 and 8-19/5/4/3 will be allowable at least for depending from allowable independent claim 3.

Accordingly, Applicants respectfully request that the rejections of claims 3, 4-5/3 and 8-19/5/4/3 and 8-19 under 35 U.S.C. §103(a) be withdrawn and the claims allowed.

Claims 6/5/4/3 and 20/5/4/3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Truax (CLASP-LESS™ Appliance System) in view of Duret *et al.* (U.S. Patent No. 4,611,288).

As set forth above, while Applicants respectfully disagree with the rejections and do not acquiesce to any reasoning provided by the Examiner, claim 3 has been amended as indicated above. Claims 6/5/4/3 and 20/5/4/3 will be allowable at least for depending from allowable independent claim 3.

Accordingly, Applicants respectfully request that the rejections of claims 6/5/4/3 and 20/5/4/3 under 35 U.S.C. §103(a) be withdrawn and the claims allowed.

Claim 7/5/4/3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Truax (CLASP-LESS™ Appliance System) in view of Andreiko *et al.* (U.S. Patent No. 5,683,243).

As set forth above, while Applicants respectfully disagree with the rejections and do not acquiesce to any reasoning provided by the Examiner, claim 3 has been amended as

indicated above. Claims 7/5/4/3 will be allowable at least for depending from allowable independent claim 3.

Accordingly, Applicants respectfully request that the rejections of claims 7/5/4/3 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

CONCLUSION


In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: _____

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